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Before the

Federal Communications Commission

V	/ashington, D.C.	ハニンーバー
In the Matter of)	241997
Closed Captioning and Video Descrip	ption)	FCC MAIL ROCK
of Video Programming)	100
)	MM Docket No. 95-176
Implementation of Section 305 of the)	
Telecommunications Act of 1996)	
)	
Video Programming Accessibility)	
Comments of		

1. Introduction

Jerald M. Jordan

I am a deaf consumer who has watched television since it first became commercially available. I currently subscribe to cable with one premium channel, HBO. I do not own a television set with a built-in decoder and rely on an old Telecaption II box.

2. Transition Schedule

The proposed schedule of eight years is overly generous for the major networks and for premium and pay-per-view channels. These companies have ample resources to accomplish 100% captioning in a much shorter period of time. They have the resources, the background, the knowledge, the contacts and the expertise to proceed without delay. They lack only the push to do this. A four-year schedule would be more than sufficient.

C. 12. The comment that "the few PBS programs that are not closed captioned

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are visually oriented..." does not jibe with my experience. Their movies, for example, are not closed captioned, as a rule.

- C.15. "...in 1995, HBO had captioning on 76% of its theatrical motion pictures,..." Perhaps they did but I was still paying 100% of their premium. So, what's the point? Why do they need eight years to accomplish the other 24%?
- C.16. "Broadcast and cable networks such as NBC and HBO state that even for uncaptioned promotional spots, information...is often displayed visually..." Not true. HBO, for example, has 15-minute or more promotional spots talking about the making of a movie (which they are promoting) which is not captioned. If "interstitials" are so easily understood without captions, why are they always accompanied by audio?
- F. Captioning Resources. As a consumer, I do not claim to have technical knowledge. However, I do note that quite a few of the larger companies (including HBO) are now doing their own in-house captioning. I do not know if the FCC took this into account when compiling their information. Further, closed captioning is becoming increasingly feasible to persons with a high-end computer and the proper software. Thus it would seem that the resources are there.

3. Responsibility for Captioning

I agree with the proposal that the providers should have the responsibility for compliance. The major providers purchase programming and thus have considerable control over it. If they decline to purchase non-captioned programs, then the producers most certainly will caption their products.

2. Request For Comment 47. If a provider chooses to edit a previously-captioned program, then the provider should be required to reformat the captions; no exemptions.

4. Library Programming

While I can sympathize with the cost burden of captioning library programs, the fact remains that most cable providers display very little other than library programming. If library programming is exempted, then cable will remain largely inaccessible to the

deaf consumer. I attach the cable listings for just one typical day from my local guide as an example of how very little cable is captioned. Surely it was not the intent of congress to exempt this significant portion of the broadcast spectrum.

<u>D. 64.</u> "HBO recommends blanket exemptions for live and interstitial programming as well as pay-per-view and pay-per-channel premium services." It is ironic that they would call these "premium services" and also make them inaccessible to the deaf consumer. These are just the type of services (extra-cost) that should **not** be exempted.

<u>D. 79.</u> "...we conclude that most interstitials and promotional advertisements provide their principal information in textual form." That definitely is not my experience at all. If such is the case then may I suggest that they also not be accompanied by an audio track? That would certainly quickly lay to rest the question of how clear and understandable they are.

<u>E. 87.</u> I find it difficult to understand why an existing contract should prohibit closed captioning. I further find it incomprehensible why it should be allowed to be considered a valid reason for exempting a program or why such contracts should be allowed in the future.

5. Standards for Accuracy and Quality

I fully subscribe to the guidelines recommended to the Commission in item 106. Too long the deaf consumer has been expected to be happy with having <u>any</u> captions at all. Must we always settle for half a loaf being better than none? Is it ungrateful or unreasonable to ask that the captions be accurate, grammatical, properly spelled and properly positioned? The FCC must provide minimum standards of quality for closed captions. These standards should not interfere with experimentation with new techniques and need not do so. However, it is not sufficient to leave this to the market place. Captions have been around for some time now and problems still persist.

6. Enforcement and Compliance Review Mechanisms

The Commission must make uncomplicated and speedy any method of filing a complaint. Requiring video tapes or logs is a bit much to expect of the average consumer. Providers should be required to have a toll-free number which can be used to register complaints. At present time it is difficult to find out who and where to register a comment or complaint about a program. However, a much better solution would be for the FCC itself to be the place to register a complaint. This would make it much simpler for the deaf consumer to exercise his right to do so.

Conclusion

Like most deaf consumers, I strongly feel that all audio should be accompanied by text in one form or another. However, I recognize that this will take some time to accomplish, if it is accomplished at all. I would quite happily settle for a *good faith* effort on the part of the providers to accomplish this goal. If they would expend as much effort into improving their captions and into seeking better technology to accomplish this as they do into avoiding and fighting captioning, then this would happen without regulation. Lacking that, I must depend on the efforts of the FCC to reach this goal.

I thank the FCC for this opportunity to provide my comments.

Respectfully,

Jerald M. Jordan

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February 21, 1997

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CABLE HIGHLIGHTS

6:00 PM A&E QUINCY Quincy's latest case leads him through prison gates when he investigates an inmate's bizarre death. (1 hr.)

6:00 PM USA **RENEGADE** Reno protects an alleged industrial app while Bobby and Cheyenne attempt to recover an incriminating diary from Ted Bronson's mansion. (Part 2 of 2) (CC) (1 hr.)

6:30 PM HIST PERSPECTIVES Using excellence to break the barriers built by racism, Jackie Robinson became Major League Baseball's first black player.

7:00 PM A&E EQUALIZER A mentally challenged man seeks McCall's help when he is falsely accused of murdering a co-worker. (1 hr.)

7:00 PM DIS BROWN BEAR'S WEDDING Brown Bear falls in love with White Bear and decides that he must win her heart. (R) (CC)

7:00 PM DSC SEA WINGS The French-made Entendards of the early 1960s allowed the French to project far-reaching power without relying on British or American help. (R) (1 hr.)

7:00 PM FAM WALTONS Ben falls head over heels in love. (1 hr.)

7:00 PM HIST VIETNAM WAR U.S. involvement is traced from the fall of Diem Bien Phu to the Tonkin Gulf incident. (1 hr.)

7:00 PM SCI-FI TIME TRAX In the year 2193, Darien Lambert travels back to 1993 to capture criminals who escaped to the 20th century. (Part 2 of 2) (1

7:00 PM TNN DUKES OF HAZZARD A famous racing champion arrives in Hazzard to visit a sick boy and helps the Dukes solve a bank robbery. (1 hr.)
7:00 PM USA HIGHLANDER: THE SERIES In agony over the death of their friend Darius, Duncan and another Immortal go in search of a group of mortals bent on their destruction. (CC) (1 hr.)

7:25 PM DIS WHITE BEAR'S SECRET Newlyweds

TUESDAY CABLE

White Bear and Brown Bear settle down in their log cabin. (R) (CC)

7:30 PM SHO WAYS OF HARMONY The task of moving a piano makes a couple argumentative.

8:00 PM A&E BIOGRAPHY The simple story of Adam and Eve continues to influence Western hearts and minds. (R) (1 hr.)

8:00 PM COM TIM ALLEN REWIRES AMERICA The star of "Home Improvement" celebrates the joys of manhood. (R)

8:00 PM DSC WILD DISCOVERY The short life of the dung beetle is followed after it emerges from the soil following brief African rains. (R) (1 hr.)

8:00 PM FAM HIGHWAY TO HEAVEN An unmotivated man must make decisions regarding his personal life. (CC) (1 hr.)

8:00 PM HIST ASSASSINATIONS THAT

CHANGED THE WORLD Gandhi, Sadat and other peace-respecting politicians whose assassinations were connected with religious fanaticism. (R) (1 hr.) 8:00 PM NICK SECRET WORLD OF ALEX MACK

Alex finds that she has super strength. (R) (CC) 8:00 PM TNN LEGENDS OF COUNTRY MUSIC Faith Hill, Brenda Lee and Yakov Smirnoff join host Loretta Lynn in performance and conversation. (1 hr.) 8:00 PM USA WESTMINSTER KENNEL CLUB

DOG SHOW Closing session of the 121st annual dog show from Madison Square Garden in New York. Hosts: Joe Garagiola and David Frei. (3 hrs.)

8:01 PM SCI-FI TEKWAR Jake and a group of escaped convicts must undergo cryogenic freezing when a computer tries to kill them. (R) (CC)

8:30 PM COM TIM ALLEN: MEN ARE PIGS From the State Theatre in Kalamazoo, Mich., comic Tim Allen examines men's obsession with hardware. (R) 8:30 PM TLC AMAZING AMERICA Battling robots; a gathering of car buffs; skysurfing.

9:00 PM COM A-LIST Guests: Larry Miller and Ellen DeGeneres. Host: Richard Lewis. (R) (C)

9:00 PM DSC MYSTERIOUS UNIVERSE The possibility of a completely unknown species of big cat.

9:00 PM HIST GREAT SHIPS The small, wooden Patrol Torpedo boats of World War II became a legend by destroying steel-hulled giants. (R) (1 hr.)

9:00 PM SCI-FI FOREVER KNIGHT Natalie is stalked by a killer who meets his victims through a dating service, and she learns the truth about Nick's secret past. (CC) I hr.)

9:00 PM TLC ROYAL SECRETS Affairs with royalty that turned deadly, including Anne Boleyn's flirtation with Henry VIII. (R)

9:30 PM DSC WORLD OF WONDER How scientists grew a human ear on the back of a mouse; protecting ships from icebergs; how babies swim. (R)

9:30 PM HBO COMEDY HOUR Comic Damon Wayans returns to the stage to reflect on relationships, fatherhood and other natural disasters. (R) (1 hr.)

9:30 PM TLC ROYAL SECRETS A Transylvanian prince's thirst for blood; insanity of Bavaria's King Ludwig, (R)

10:00 PM DSC WORLD OF DISCOVERY The predators and prey that make their homes in rivers, from the headwaters to the estuaries. (1 hr.)

10:00 PM HIST HISTORY UNDERCOVER The dreadful stories of people held captive for Japanese war crimes and their trials that followed. (1 hr.)

10:00 PM SCI-FI VR.5 Sydney begins questioning the Committee about her sudden skill after learning more about Dr. Morgan's death. (1 hr.)

10:00 PM TLC HUMAN ANIMAL: A PERSONAL VIEW OF THE HUMAN SPECIES Scientists study gestures, smiles and hand motions to understand human communication. (R) (1 hr.)

10:00 PM TNN RALPH EMERY ON THE RECORD WITH GEORGE AND BARBARA BUSH The former president and former first lady appear. (R) (1 hr.)

10:30 PM MTV WORLD TOUR Rodman goes to

IT'S CALLED A 'CANNED HUNT'



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CABLE MOVIES

OLIVER!

5:00 AM on ENC See 2:45 p.m. listing.

RIVER LADY

6:00 AM on AMC (1948) Drama. Yvonne De Carlo, Dan Durvea. (1½ hrs.)

MY BROTHER TALKS TO HORSES

6:00 AM on TCM (1946) Comedy. Peter Lawford, Butch Jenkins. (134 hrs.)

SUDAN

7:30 AM on AMC (1945) Adventure. Maria Montez, Turhan Bey. (11/2 hrs.)

THE WORLD'S GREATEST LOVER

7:30 AM on ENC (1977) Comedy. Gene Wilder, Dom DeLuise. (1½ hrs.)

GOOD NEWS

7:45 AM on TCM (1947) Musical. Peter Lawford, June Allyson. (1% hrs.)

BUCCANEER'S GIRL

9:00 AM on AMC (1950) Adventure. Yvonne De Carlo, Philip Friend. After a pirate rescues her from a merchant ship, a young woman later repays him by freeing him from jail. (11/2 hrs.)

THE BLACK BIRD

9:00 AM on COM See 4 p.m. listing.

JOURNEY TO SHILOH

9:00 AM on ENC (1968) Drama. James Caan, Michael Sarrazin. Seven young Texans learn bitter lessons in life and death when they leave home to join the Confederate Army. (134 hrs.)

ON AN ISLAND WITH YOU

9:30 AM on TCM (1948) Comedy. Esther Williams, Peter Lawford. A starlet on location in Hawaii begins to fall for the persistent Naval technician who loves her. (2 hrs.)

COBRA WOMAN

10:30 AM on AMC (1943) Adventure. Maria Montez, Sabu (CC) 11/2 hrs.)

SHAMUS

10:45 AM on ENC See 5:15 p.m. listing.

MADAME BOVARY

11:30 AM on BRAVO (1991) Drama. Isabelle Huppert, Jean-Francois Balmer. A married Frenchwoman embarks on a romantic path of self-destruction. Adapted from Gustave Flaubert's novel. (Subtitled) (21/2 hrs.)

THE DESERT HAWK

12:00 PM on AMC See 9:30 p.m. listing.

THE HOUR OF 13

12:00 PM on TCM (1952) Mystery. Peter Lawford. Dawn Addams. A sophisticated jewel thief acts as a police decoy to snare a killer in 1890s London. (1 hr. 20 min.)

FORCE 10 FROM NAVARONE

12:30 PM on ENC (1978) Adventure. Harrison Ford, Robert Shaw. During World War II, an odd assortment of military experts teams up on a mission to destroy a vital enemy bridge. (21/4 hrs.)

THE SUGARLAND EXPRESS

1:05 PM on TBS (1974) Comedy. Goldie Hawn, Ben Johnson. A young mother becomes a fugitive and a folk hero during a crime spree designed to prevent her infant son's adoption. (2 hrs.)

ROGUE'S MARCH

1:20 PM on TCM (1953) Adventure. Peter Lawford. Janice Rule. A dishonored officer is vindicated after rejoining his regiment and showing true courage. (1 hr. 25 min.)

ALI BABA AND THE FORTY THIEVES

1:30 PM on AMC (1944) Adventure. Jon Hall, Maria Montez. The son of Baghdad's murdered caliph leads a revolt against the Mongols who killed his father and enslaved his people. (CC) (11/2 hrs.)

CROSSING DELANCEY

2:00 PM on LIFE (1988) Drama. Amy Irving, Peter Riegert. A bookstore employee finds an unlikely romance with a pickle merchant she meets at the urging of her grandmother. (2 hrs.)

OLIVER!

2:45 PM on ENC (1968) Musical. Ron Moody, Oliver Reed. Six Oscars went to this adaptation of Charles Dickens' novel about an orphan who falls in with a gang of pickpockets (CC) (2½ hrs.)

TUESDAY CABLE

KISS ME AGAIN

2:45 PM on TCM (1931) Comedy. Walter Pidgeon, Bernice Clair. (11/4 hrs.)

SONG OF SCHEHERAZADE

3:00 PM on AMC (1947) Adventure. Yvonne De Carlo, Brian Donlevy. An 1865 Russian naval cadet arrives in Morocco and meets an exotic dancer who inspires him to write great music. (2 hrs.)

UN COEUR EN HIVER

4:00 PM on BRAVO (1992) Drama. Daniel Auteuil, Emmanuelle Beart. The appearance of a beautiful violinist causes a split in the friendship between two business partners. (Subtitled) (2 hrs.)

THE BLACK BIRD

4:00 PM on COM (1975) Comedy. George Segal, Stephane Audran. Sam Spade Jr. reopens his father's most famous case, involving an ongoing search for the bejeweled Maltese falcon. (2 hrs.)

IT STARTED WITH A KISS

4:00 PM on TCM (1959) Comedy. Glenn Ford, Debbie Reynolds. An Air Force sergeant finds that his bride is endangering his career and his sanity. (2

SAM WHISKEY

4:00 PM on TNT (1969) Comedy. Burt Reynolds, Angie Dickinson. A widow enlists the aid of a gambler and his buddies to help her retrieve a fortune in gold stolen by her late husband. (2 hrs.)

GYPSY WILDCAT

5:00 PM on AMC (1944) Adventure. Maria Montez, Jon Hall. A court messenger learns that an imprisoned Gypsy dancer is actually the long-lost sister of a murdered count. (11/2 hrs.)

SHAMUS

5:15 PM on ENC (1973) Mystery. Burt Reynolds, Dvan Cannon. An offbeat private eye, hired to track down some missing diamonds, gets involved with the mob, a woman and a smuggler. (134 hrs.)

ELEVATOR TO THE GALLOWS

*** 6:00 PM on BRAVO (1958) Suspense. Maurice Ronet, Jeanne Moreau. Louis Malle's feature directorial debut about a seemingly perfect crime of passion that goes awry. (Subtitled) (1 hr. 35 min.)

FOUR'S A CROWD

6:00 PM on TCM (1938) Comedy. Errol Flynn, Olivia de Havilland. An ambitious public relations executive and his former boss romance a pair of fickle women. (2 hrs.)

BLACK BART

6:30 PM on AMC (1948) Western. Yvonne DeCarlo, Dan Duryea. An outlaw and his partners in crime hold a lucrative reign of terror over the Wells Fargo trains. (11/2 hrs.)

OKLAHOMA CRUDE

7:00 PM on ENC (1973) Drama. George C. Scott, Faye Dunaway. A female oil driller battles the immensely powerful oil company that wants to drive her from her land. (2 hrs.)

ARABIAN NIGHTS

8:00 PM on AMC (1942) Adventure. Jon Hall, Maria Montez. Two brothers vie for the title of Caliph of Bagh and the hand of Scheherazade the dancer. ((CC) 11/2 hrs.)

THE FOX

8:00 PM on BRAVO (1968) Drama. Sandy Dennis, Anne Heywood. The relationship between two lesbian lovers is shaken when a handsome stranger appears. (2 hrs.)

SOME LIKE IT HOT

8:00 PM on TCM (1959) Comedy. Jack Lemmon, Tony Curtis. Two witnesses to a gangland massacre pose as members of an all-girl band to confuse the mobsterson their trail. (21/4 hrs.)

FAR OUT MAN

8:00 PM on WGN (1990) Comedy. Tommy Chong, C. Thomas Howell. An incredibly rich middle-aged hippie is thrown together with his estranged son for a series of comic misadventures. (2 hrs.)

DALZIEL & PASCOE: A CLUBBABLE WOMAN 9:00 PM on A&E (1996) Mystery. Warren Clarke, Colin Buchanan. Detectives Dalziel and Pascoe investigate the illicit goings-on at a rugby club after a member's wife is murdered. (2 hrs.)

BUTCH CASSIDY

AND THE SUNDANCE KID 9:00 PM on ENC (1969) Western. Paul Newman, Robert Redford. George Roy Hill's account of two legendary outlaws who refused to change their ways and surrender to a changing America. (2 hrs.)

THEIR SECOND CHANCE

9:00 PM on LIFE (1997) Drama. Lindsay Wagner. Perry King. A young woman reunites the college sweethearts who gave her up for adoption many years earlier. (2 hrs.)

THE DESERT HAWK

9:30 PM on AMC (1950) Fantasy. Richard Greene, Yvonne De Carlo. An Iranian blacksmith champions the cause of the poor and oppressed against an evil prince. (11/2 hrs.)

WHEN A STRANGER CALLS BACK

10:05 PM on TBS (1993) Suspense. Carol Kane, Charles Durning. A woman and the cop who saved her from a killer years ago join forces to help a coed stalked by a phantom maniac. (2 hrs.)

THE APARTMENT

10:15 PM on TCM (1960) Comedy. Jack Lemmon, Shirley MacLaine. Three Oscars went to this tale about a man who lends his flat to philandering executives in exchange for a promotion. (21/4 hrs.)

ZORBA THE GREEK

10:30 PM on BRAVO (1964) Drama. Anthony Quinn, Alan Bates. The British heir to a mine learns about life and love from a Greek laborer. (21/2 hrs.)

GYPSY WILDCAT

11:00 PM on AMC (1944) Adventure. Maria Montez, Jon Hall. A court messenger learns that an imprisoned Gypsy dancer is actually the long-lost sister of a murdered count. (11/2 hrs.)

TELL THEM WILLIE BOY IS HERE

11:00 PM on ENC (1969) Drama. Robert Redford, Katharine Ross. A lawman is forced to come to terms with himself while pursuing an American Indian who killed a man in self-defense. (134 hrs.)

ABOVE THE RIM

11:00 PM on TNT (1994) Drama. Duane Martin, Leon. A talented high-school basketball player is caught between a drug dealer, his coach and a tormented security guard. (2 hrs.)

DEATH VALLEY

12:05 AM on TBS (1982) Mystery. Catherine Hicks, Stephen McHattie. (134 hrs.)

BLACK BART

12:30 AM on AMC See 6:30 p.m. listing.

ONE, TWO, THREE

12:30 AM on TCM (1961) Comedy. James Cagney, Horst Buchholz. The daughter of a high-ranking executive puts a crimp in the plans of a soft-drink man who is aiming for a promotion. (2 hrs.)

ARTHUR 2: ON THE ROCKS 12:45 AM on ENC (1988) Comedy. Dudley Moore, Liza Minnelli. The perpetually intoxicated millionaire must find work after losing his fortune. (CC) (2 hrs.)

DALZIEL & PASCOE: A CLUBBABLE WOMAN 1:00 AM on A&E See 9 p.m. listing.

1:00 AM on TNT (1972) Drama. Burt Reynolds, Jack Weston, (2 hrs.)

WHEN A STRANGER CALLS BACK 1:50 AM on TBS See 10:05 p.m. listing.

ARABIAN NIGHTS 2:00 AM on AMC See 8 p.m. listing.

THE FOX

2:00 AM on BRAVO See 8 p.m. listing.

A NIGHTMARE ON ELM STREET 2: FREDDY'S REVENGE

2:00 AM on USA (1985) Horror. Mark Patton, Robert Englund. (2 hrs.)

TWO WEEKS IN ANOTHER TOWN 2:30 AM on TCM (1962) Drama. Kirk Douglas, Edward G. Robinson. (2 hrs.)

MAROONED

2:45 AM on ENC (1969) Science Fiction: Gregory Peck, Richard Crenna. (21/4 hrs.)

CANNONBALL RUN II-

3:00 AM on WGN (1984) Comedy, Burt Reynolds, Dom DeLuise. (2 hrs.) SONG OF SCHEHERAZADE

3:30 AM on AMC See 3 p.m. listing.

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